

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend Certain Laws Relating to
High-impact Electric Transmission Lines'**

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'**Sec. 1. 35-A MRSA §3131, sub-§4-A**, as enacted by PL 2009, c. 655, Pt. A, §3, is amended to read:

4-A. High-impact electric transmission line. "High-impact electric transmission line" means a transmission line greater than 50 miles in length ~~that is not located in a statutory corridor, as defined in section 122, subsection 1, paragraph F-4, or a petitioned corridor, as defined in section 122, subsection 1, paragraph D-1,~~ and that is:

- A. ~~Constructed to transmit direct current electricity; or~~
- B. Capable of operating at ~~345~~200 kilovolts or more and:

- (1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and
- (2) Is not constructed primarily to provide electric reliability within the State, as determined by the commission.

Sec. 2. 35-A MRSA §3132, sub-§6-A, as enacted by PL 2009, c. 655, Pt. A, §5, is amended to read:

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact electric transmission line in accordance with ~~section 122, subsection 1-D~~this subsection. The commission may issue a certificate only if:

A. At least 2/3 of the local governments through which the high-impact electric transmission line will pass have:

- (1) Approved the project by affirmative vote of the local government officers; or
- (2) Held a local referendum, conducted in accordance with applicable laws relating to elections, and certified to the commission that a majority of the voters voting at the election voted in favor of a question that conforms to the following form: "Do you favor the construction of the (insert

name or description of the high-impact electric transmission line) in this municipality?" The commission shall by rule establish any necessary procedures to implement this requirement in a manner that ensures an orderly process. If a referendum under this subparagraph is held, any affirmative vote of the local government officers under subparagraph (1) is superseded by the results of this referendum and the requirement of this paragraph is not met unless a majority of voters voting at the election vote in favor of the question under this subparagraph.

For purposes of this paragraph, "local government" means a municipality, except that in the event a high-impact electric transmission line passes through unorganized or deorganized territory, "local government" means the county through which the line passes. For purposes of this paragraph, "local government officers" means municipal officers, except that in the event a high-impact electric transmission line passes through unorganized or deorganized territory, "local government officers" means the county commissioners of the county through which that line passes. A local referendum held under subparagraph (2) on a high-impact electric transmission line passing through unorganized or deorganized territory must be held by the county commissioners only in the townships through which the high-impact electric transmission line passes and in all of those townships in a single referendum;

B. The petitioner has filed with the commission, with the Department of Administrative and Financial Services, Maine Revenue Services and with each municipality through which the high-impact electric transmission line will pass the anticipated assessed property value for property tax purposes, including a minimum anticipated assessed property value, of the high-impact electric transmission line for each municipality through which the high-impact electric transmission line will pass; and

C. The petitioner has agreed in writing, as a condition of the certificate, to the following:

(1) To pay each year for the life of the high-impact electric transmission line, as determined by the commission, to each municipality through which the high-impact electric transmission line will pass, in addition to any property tax assessments due, an amount equal to the amount of any additional taxes that would have been due if the actual assessed valuation of the high-impact electric transmission line was equal to the minimum anticipated assessed property value filed pursuant to paragraph B. If in any year the actual assessed valuation of the high-impact electric transmission line is equal to or greater than the minimum anticipated assessed property value filed pursuant to paragraph B, the amount required to be paid to the municipality under this subparagraph is the property tax assessment only; and

(2) To provide a community benefits package to the State with a total value of no less than \$20,000 per year per megawatt of transmission capacity of the proposed high-impact electric transmission line averaged over a 20-year period. The commission by rule shall determine the method of payment and an equitable allocation of the community benefits package to each municipality through which the high-impact electric transmission line will pass.

The commission shall adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Moratorium; rulemaking. No permit, certificate or other approval may be issued by the Public Utilities Commission or the Department of Environmental Protection for a high-impact electric transmission line, as defined in the Maine Revised Statutes, Title 35-A, section 3131, subsection 4-A, after the effective date of this Act until 90 days after the adjournment of the Second Regular Session of the 129th Legislature. The Public Utilities Commission shall submit its provisionally adopted rule under Title 35-A, section 3132, subsection 6-A to the Legislature for review no later than December 31, 2019.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the bill as follows:

1. It modifies the definition of "high-impact electric transmission line" to include a transmission line that is:

- A. Greater than 50 miles in length;
- B. Capable of operating at 200 kilovolts or more;
- C. Not a generator interconnection transmission facility; and
- D. Not constructed primarily to provide electric reliability within the State;

2. It replaces the requirement that a high-impact electric transmission line provide significant tangible benefits with requirements that:

- A. The petitioner for a certificate of public convenience and necessity for the line pay an amount of tax benefits projected by the petitioner; and
- B. The petitioner for a certificate of public convenience and necessity for the line provide a community benefits package with a total value of no less than \$20,000 per year per megawatt of capacity of the line;

3. It requires that at least 2/3 of the local governments through which the high-impact electric transmission line will pass approve the line and clarifies that if a referendum vote is held, that vote supersedes any vote by local government officers; and

4. It makes other clarifying changes.